

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION**

Yazhen Huang,)
Plaintiff,) Civil Action No.: 0:19-cv-00045-JMC
v.)
Deja Ledbetter,) **ORDER**
Defendant.)

This matter is before the court for review of the Magistrate Judge’s Report and Recommendation (“Report”) filed on January 30, 2019 (ECF No. 9). The court **ACCEPTS** the Magistrate Judge’s Report and incorporates it herein by reference. For the reasons set out in the Report, the court, sua sponte, **REMANDS** this matter to the Lancaster County Magistrate’s Court based on this court’s lack of subject-matter jurisdiction.

I. FACTUAL AND PROCEDURAL BACKGROUND

The Report sets forth the relevant facts and legal standards, which this court incorporates herein without a full recitation. (ECF No. 9 at 1–2.) The facts are brief: “[Plaintiff] Yahzen Huang filed this eviction action in Lancaster County Magistrate’s Court for [Defendant Deja] Ledbetter’s failure to pay rent. The magistrate [order]ed [Defendant to] vacate the rented property or show cause on December 17, 2018. [Defendant] filed a notice of removal in this court on January 7, 2019,” alleging Plaintiff’s attempt to collect debt violates the Fair Debt Collection Practices Act of 1978. (*Id.* at 1.) The Magistrate Judge found “the state pleading contains no federal question on its face. [And,] [t]o the extent [Defendant] attempts to raise defenses or counterclaims based on a federal law, such defenses and claims do not establish federal question jurisdiction.” (*Id.* at

3.) Additionally, the Magistrate Judge also found “this case may not be removed based on diversity of citizenship because it appears both parties are residents of [South Carolina].” (*Id.*) Therefore, the Magistrate Judge concluded the court lacks subject-matter jurisdiction and recommended a *sua sponte* remand of this matter to state court. (*Id.* at 4.)

II. STANDARD OF REVIEW

The Magistrate Judge’s Report and Recommendation is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District Court of South Carolina. The Magistrate Judge only makes a recommendation to this court; the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). This court engages in a *de novo* review of those portions of the Report and Recommendation to which the parties have made specific objections. *See* 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b)(3). The court may accept, reject or modify, in whole or in part, the Magistrate Judge’s recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

III. DISCUSSION

On January 30, 2019, as part of the Report, the Magistrate Judge notified the parties of their right to file objections by February 13, 2019. (ECF No. 9 at 5.) Neither of the parties filed any objections to the Report by this date. In the absence of objections to the Magistrate Judge’s Report, this court is not required to provide an explanation for adopting the recommendations without modification. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Absent objections, the court must only ensure that there is no clear error on the face of the record in order to accept the recommendations. *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). If a party fails to file specific, written objections to the Report, the party forfeits the right to appeal the District Court’s decision

concerning the Report. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984). Accordingly, since none of the parties filed any objections to the Report, and the court observes no clear error on the face of the record, the court accepts the Magistrate Judge's Report. *See Diamond*, 416 F.3d at 315; *Camby*, 718 F.2d at 199.

IV. CONCLUSION

After a thorough and careful review of the record, the court finds the Magistrate Judge's Report and Recommendation provides an accurate summary of the facts and law in this case. The court **ACCEPTS** the Magistrate Judge's Report and Recommendation (ECF No. 9) and incorporates it herein by reference. For the reasons set out in the Report, the court, *sua sponte*, **REMANDS** this matter to the Lancaster County Magistrate's Court based on this court's lack of subject-matter jurisdiction.

IT IS SO ORDERED.



United States District Judge

February 28, 2019
Columbia, South Carolina